

\*

**HIGH COURT OF DELHI : NEW DELHI**

**Date of Decision: September 20, 2007**

+

**W.P(C)6657 OF 2007**

%

Shri Sunder Pal& Ors

..... Petitioners

Through: Ms. Meenu Mainee, Advocate

versus

Union of India & Ors.

..... Respondent

**CORAM**

**HON'BLE MR. JUSTICE A.K.SIKRI**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to Reporter or not?
3. Whether the judgment should be reported in the Digest?

**VIPIN SANGHI, J(ORAL)**

\*

1. The petitioners have filed this writ petition under Article 226 of the Constitution of India to impugn the order dated 20.8.2006 passed by the Central Administrative, Principal Bench, New Delhi (the Tribunal) in OA No.1660/2005 and the order dated 9.5.2007 passed in RA No.177/2006 filed by the petitioners in the aforesaid OA. By the impugned orders the Tribunal has rejected the OA and RA filed by the petitioners.
2. The petitioners filed the aforesaid OA being aggrieved by the failure of the respondents to re-engage them as safaiwalas. They claim that they had

been engaged on casual basis as safaiwalas during the years 1984-1987 and that their names had been placed in the LCLR. They claim that priority list was prepared and issued on 12.8.1997 wherein their names figured between serial numbers 41 and 87. They were offered a post in sanitation, Department of Railways in September/October, 1997 and directed to proceed to Lucknow Division for appointment against existing vacancies. Even though DRM, Muradabad has sent a list of 20 casual safaiwalas to be appointed and absorbed in Lucknow Division, the DRM, Lucknow returned their applications on 20.11.1997 raising certain objections. Their grievance was that some of their juniors in the LCLR had been appointed while they had been left out.

3. The respondents opposed the original application, inter alia, on the ground of laches. Respondents contend that even according to the petitioners, they had initially worked on casual basis in the years 1984-1987 and they approached the Tribunal only after about 18 to 20 years. It was also stated that the petitioners had worked for very short durations of 8 to 9 days and not more. The petitioners had not been appointed as per recruitment rules or procedure. No casual labour cards were issued to them since they did not complete 120 days of service. They did not acquire any rights whatsoever, not even under para 2001(5) of IREM. In fact their names could not have been placed in LCLR.

4. We are of the view that the Tribunal rightly rejected the applications of the petitioners. Admittedly no documents about their earlier casual engagements were placed on record by the petitioners. The Tribunal also found that the claim of seniority in the LCLR is also incorrect. It is now well

settled that mere casual appointment granted de hors the recruitment rules and without following the due recruitment procedure does not vest any right in the appointee of any nature whatsoever to seek re-engagement or regularisation in Government service. Reference in this regard may be made to ***Secretary, State of Karnataka & Ors. v. Umadevi (3) & Ors.*** (2006) 4 SCC 1.

5. In view of the aforesaid we find no infirmity with the orders of the Tribunal and consequently reject the same.

Parties are left to bear their respective costs.

**VIPIN SANGHI, J.**

**A.K.SIKRI, J.**

**September 20, 2007**

aj